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MEMO ENDORSED

May 13, 2022

Honorable Magistrate Judge Andrew E. Krause
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

RE: ANDERSON v. WAL-MART STORES EAST, LP.
Docket No.: 21CV08996
Our File No.: WM 21-362 TO

Honorable Sir:

Please accept this letter as the parties joint application to remand this matter back to the New York State Supreme Court, Orange County. The action by plaintiff was originally commenced in that court. During initial discovery plaintiff's attorney served a response to Walmart's CPLR 3017 Demand (amount in controversy) wherein the damages alleged exceeded \$75,000. As a result, Walmart removed the case to the Federal District Court, Southern District of New York. The basis for the removal was the diversity of the parties and that the amount in controversy exceeded the jurisdictional limits of the federal court. In assessing the file, plaintiff's attorney has made a determination that the amount in controversy is not in excess of \$75,000. Plaintiff's attorney has executed a stipulation capping plaintiff's potential recovery at \$74,999.99 (see stipulation attached). Since the amount in controversy does not meet the jurisdictional limits of the court, the parties respectfully request that the case be remanded back to state court.

Thank you for your courtesy herein.

BRODY, O'CONNOR & O'CONNOR, ESQS.

May 13, 2022

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Respectfully Submitted,

BRODY, O'CONNOR & O'CONNOR, ESQS.



By: Thomas M. O'Connor

Granted. The case is to be remanded.

Date: 5/16/22

SO ORDERED


KENNETH M. KARAS U.S.D.J.

WM 21-362 TO
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
DEBRA ANDERSON,

Index No.: EF002331/2021

Plaintiff,

STIPULATION

-against-

WALMART STORES EAST, LP.

Defendants.

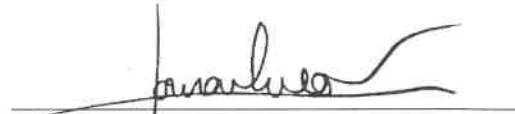
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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the
plaintiff's damages in this action are capped at \$74,999.99.

Dated: May 11, 2022



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